

## RAILWAY INTERESTS.

JAMES MCHENRY'S CRITICISMS.

**A REVIEW OF THE ATLANTIC AND GREAT WESTERN AND ERIE RAILWAY COMPANIES—THE ADMINISTRATION OF GEN. MCCELLIAN, P. H. WATSON AND OTHERS CENSURED.**

The complications which have arisen in the Erie and Atlantic and Great Western Railroads have given rise to the utmost dissatisfaction and indignation among the people who are interested in both corporations and their adjuncts, on the other side of the Atlantic. A rupture has occurred between James McHenry, Bischoffsheim and Goldschmidt and the present American managers of the enterprises, and the consequence is that a bitter triangular warfare is existing at the present time.

Sir John Sumner, who has been representing the Atlantic and Great Western "Leased Line" bondholders, is also understood to be acting in accordance with the views of James McHenry. The latter, who was the founder of the Atlantic and Great Western Railroad, and an active participant in overthrowing the Gould administration in Erie, has just issued the following circular, which is severely critical. Gen. McClellan, late President of the Atlantic and Great Western, Peter H. Watson, late president of the Erie, and others connected with the two enterprises. The following is the full text:

To the *Editor of the Tribune*.  
Sir: Several weeks ago it was announced that subscriptions to a considerable amount had already been made to the fund for providing excursions during the coming Summer for those children who otherwise, all the season long, could breathe only the air of close city streets and crowded tenement-houses. It is now too early to think of making such provision, for despite the wintry weather that is still with us, Summer will be here almost before we are aware. The excursions of last Summer doubtless saved many lives, and alleviated the sufferings of many more whom they could not save.

May it not be well also to provide in time for many who need something more and something different from these excursions—the crippled or disabled children to whom one, two, three weeks of sea-side or country air, wholesome food, and kindly care would restore health and impart new vigor? In Philadelphia there is a well-appointed and well-conducted Children's Hospital, the success of which inspired certain ladies and gentlemen interested in it with the idea that a similar institution at Atlantic City would be one of the best possible charities. Losing no time, they subscribed three or four thousand dollars, obtained a charter, put up a comfortable, commodious, well-ventilated building, secured good nurses and medical attendants, and for the last two years their Seaside Hospital has been in active and beneficial operation, and it is now in contemplation to enlarge it. There are certainly places near New-York where such a hospital could be built and carried on, with no greater outlay than in the case of the Atlantic City charity. Is there no one with interest enough in the matter to take effective measures for securing its existence?

In addition to the excursions and to hospitals, which can provide only for the more extreme cases of suffering, there is a wide field here open for private charity. Let us remind some of your readers who are questioning themselves how they can best help some one else this coming Summer, that it will take only a small sum to secure a home through the July and August heats for some ailing child, or for a mother and child, whose country air and plain, wholesome food will bring renewed life. At present the names of those who owe it to the Atlantic and Great Western, and in placing these problems in control of the most capable and disinterested men in the Union, we are in a position to do much for the poor. The following extract, from the Atlantic and Great Western, is copied from the "Daily News," of Boston, and is characteristic indeed. Several weeks elapsed before he returned to his duties in New-York. He made an increase of \$100,000 in his capital, and, with a stock of the Erie line, on a plan of the great demand for stock at the current rates of rental, and as the Atlantic and Great Western would be in the plan of the railroad in the same line, he planned, with the advice of his friends, to make a large contribution to the public funds of the State of Massachusetts, was offered in evidence and admitted, but it appears that the sum was not so large, and the amounts admitted to \$100,000. Cornell appealed on the ground that a suit should have been brought, but the Court decides the summary proceeding by motion to the proper way.

## THE COURTS.

## BEDRESS AGAINST ATTORNEYS.

In the case of Mary C. Porter, executrix, against Eleazer Parmley, in the Superior Court, General Term, Chief Justice Monell giving the opinion, decides that an attorney whose client claims that he holds funds belonging to her, is not entitled to a jury trial as a matter of right, even when he sets up that the money retained belongs to him under an agreement. Mrs. Porter claimed that R. W. Townsend had received \$3,963 in the amount of a judgment recovered on behalf of the estate she represents, and had only paid over \$1,660.22. She admitted that his services were worth something over \$4,000, but made a motion at Special Term that he pay over the balance. Mr. Townsend answered that by agreement with the plaintiff's intestate he was to have half the recovery, and insisted that under these circumstances he was entitled to have a jury trial. The court below overruled the objection, and the matter was referred to the Court of Appeals, which protested. The referee found against him and the Court ordered him to pay. He then appealed. Judge Monell, in an elaborate opinion held that the legalizing of agreements between attorneys and clients, and the practice of referring them to a trial term, are liable to entitle a attorney to a fee.

No. 180. *Cornelius and another agt. Shaffer*. Appeal from the Supreme Court, Mr. Justice Davis giving the opinion, holding that the plaintiff's claim for damages in respect of a conveyance of land in Missouri to Spanish and French concessionaires, the title to which was held by the court over the attorney and the court may at its discretion either proceed on motion or leave the client to his action against the attorney.

No. 181. *Conrad and another agt. Shaffer*. Appeal from the Supreme Court, Mr. Justice Davis giving the opinion, holding that the plaintiff's claim for damages in respect of a conveyance of land in Missouri to Spanish and French concessionaires, the title to which was held by the court over the attorney and the court may at its discretion either proceed on motion or leave the client to his action against the attorney.

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